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09/897,845	07/02/2001	Fritz Pombacher	P96,2665-03	2104
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BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135				
			EXAMINER GRANT II, JEROME	
			ART UNIT 2626	PAPER NUMBER
			DATE MAILED: 03/29/2004 6	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/897,845

Applicant(s)

PORNBACHER

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/732,214.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Detailed Action

1. Claims 2-34 are rejected under 35 U.S.C. 4th paragraph. The claims either are not expressed in the "alternative" or claims are multiple dependent and depend from another multiple dependent claim or both. Correction is required.

Moreover, with respect to claim 34, there is lack of antecedent for "movable eye". The term movable eye is vague and indefinite.

2.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 12, 13, 16, 17, 20-25, 27, 28 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Duran.

With respect to claim 1, Duran teaches a telecommunication system (shown by figure 1) for transmitting images, having a first means (5a or 7) for recording a transmission image; second means 2a for processing the recording image; third means 4a for transmitting the message to a DCN channel, fourth means 3B for receiving the

transmitted image; fifth means 2b for processing the received image; sixth means 6b for displaying the image and a DCN (digital communication network) provided as the channel independent device for the purpose claimed.

With respect to claim 2, figure 1 of Duran shows the 4th, 5th and 6th devices arranged to communicate with a channel independent reception device 1b.

With respect to claim 3, Duran teaches a transmission device 1a and the reception device 1b are assigned to the telecommunication channel (DCN).

With respect to claim 4, Duran teaches a transmission device 1a and a reception device 1b are assigned to the communication channel DCN via acoustic coupling. Note that the DCN which transmits voice signals via microphone 12A, see also page 15 lines 7-10.

With respect to claim 12, Duran teaches transmitted image data as time-shifted or interleaved considering that the data is time multiplexed according to page 24 lines 13-17.

With respect to claim 13, Duran teaches the speed and quality parameters at page 15, lines 4-21.

With respect to claim 16, Duran teaches a disk storage 28 as the image message store means.

With respect to claim 17, Duran teaches the transmission device 1a and a seventh means via keyboard 10A for controlling the first-third means.

With respect to claim 20, Duran teaches first means (5a and 7) having an optical searching means (lens, shown best by the camera).

With respect to claim 21, Duran teaches first means (5a and 7) for capturing the transmission image motifs having focus means. Lenses are inherent to camera 5a and scanner 7.

With respect to claim 22, Duran shows that the devices may be controlled by keyboard 10a which is remote from computer 2a.

With respect to claim 23, Duran teaches Keyboard 10B as the eighth means for signal controlling to the transmission device 1B.

With respect to claim 24, Duran teaches the keyboard 10B which has a direct communication channel with computer 28.

With respect to claim 25, Duran teaches a telecommunication system 10b characterized that the eighth means (keyboard 10b) controls the transmission device via acoustic coupling (interface 4b) which has means for coupling acoustic data, from microphone 12b to interface 4a.

With respect to claim 27, Duran teaches a connection interface 4b to which a personal computer 2b is connected.

With respect to claim 28, Duran teaches a ninth means 10B for controlling the 4th-6th and 8th means.

With respect to claim 31, black and white text may be read or input to scanner 7 or graphic table 9. Hence, the limitation is inherent.

With respect to claim 32, Duran teaches the monitoring device via a CRT 6a, 3 or 6b.

With respect to claim 33, Duran teaches targeted transmission of visual information from camera 5a.

With respect to claim 34, as best can be determined, If 1B becomes the transmitter and 1a the receiver, the contents on scanner 11 are read while it is movable. Likewise cameras 5a and 5b are moveable pieces for eyeing images for transmission.

3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duran in view of Guichard.

Duran teaches all of the subject matter upon which the claim depends except for a wireless telephone as a reception device.

Guichard teaches a wireless telephone 200 assigned to a reception device 100. Guichard also teaches that since the telephone 200 is wireless, it can be operated remotely from the reception device.

Since Duran and Guichard are directed toward telecommunication systems the purpose of using a wireless telephone as a reception device would have been contemplated by Duran as set forth by Guichard.

It would have been obvious to one of ordinary skill in the art to modify circuit 1a of Duran so that it includes a wireless telephone as a secondary device to thoughts currently shown, wherein the computer 2A is modified also to have a transmitter to receive said wireless signals for communicating across I/F 4a across the DCN to the

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receiving device 1B, for the purpose of using a wireless system free from cumbersome wires as suggested by Guichard.

4.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duran in view of Tang.

Duran teaches all of the subject matter upon which the claim depends.

What is not shown or taught by Duran is a reception device assigned to a wired telephone.

Tang shows a wired telephone 72b and 74b wired to a reception device 12a. See figure 3 of Tang.

Since Tang and Duran are both directed toward telecommunication systems, the purpose of using a telephone as a receiving device, or alternatively as a transmitting device, would have been recognized by Duran as set forth by Tang.

It would have been obvious to one of ordinary skill in the art to modify circuit 1a to install a wired telephone connection to computer 2a for the purpose of controlling the



telecommunication system by means of a wired telephone, as clearly shown by Tang at figure 3.

With respect to claim 7, Duran does not specifically show a one direction communication. Duran appears to teach a bi-directional method of communication.

Tang, however, teaches uni-direction from communication means 72b and 74b to 11a and unidirectional communication from 72a and 74a to 11b.

Since Tang and Duran are both directed toward telecommunication systems, the purpose of using uni-directional communication would have been contemplated by Duran although such a limited method of communication is not optimal. Based on the motivation from Tang, one dimensional methods of communication would have been obvious by modifying the I/F 4a to transmit but to disable the receiving portion of it so that on incoming data could be processed.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duran in view of the Well Known Prior Art MPEP 2144.03 (Official Notice).

Duran does not show the specifics of the 100Pt 100 image data with 16 shades of gray having 4 bits per pixel.

Although Duran does not specifically teach this limitation, the purpose of using a camera or graphic table for generating the image features would have been obvious to

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one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art to replace camera 11 with a camera or graphics table whose specifications are 100 x 100 with 16 shades of gray, for the purpose of capturing images with said predetermined specifications, for the purpose of processing image signals that have been received from the transmission device.

6.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duran in view of Tatsumi.

Duran teaches all of the subject matter claimed except for the error correction code with the image data.

The transmission of error correction codes with image data is well known. Tatsumi, for example shows the transmission of error code data with image data. According to figure 1D there is a parity bit that is transmitted at the end of frame of transmitted image data. The image data is transmitted ahead of the parity bit.

Since Duran and Tatsumi teach a telecommunication system the purpose of error correcting the transmission of image data would have been contemplated by Duran as set forth by Tatsumi.

It would have been obvious to modify the I/F 4a or 4b so that when image data generated by the computer from any of the input means (audio or video), the data is

error corrected to make sure no or little distorted information is transmitted to a receiving device, which is clearly taught by Tatsumi.

7.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duran in view of Chida.

Duran teaches all of the subject matter upon which the claim depends except for a control means that is remote controllable. Assume that keyboard 10a does not qualify as a remote means.

Chida teaches a remote operation unit 23 for controlling various image, voice and auxiliary processing functions.

Since Duran and Chida are both directed toward telecommunication systems, the purpose of using a remote control means would have been contemplated by Duran.

If the keyboard 10a is not remote, then it would have been obvious to substitute in place of the keyboard, a remote control means 23. Hence, computer 2a would also be modified to receive remote control signals so that data received from the scanner, camera or graphics table can be sent to the receiver side 2b, as suggested by remote unit 23 sending information to a receiving device through interface 14.

8.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duran in view of Yuyama.

Duran teaches every limitation upon which the claim depends except for personal computer as a control means. Duran does teach a computer 2a.

Yuyama teaches a reception device 201 in the design of a portable personal computer clearly shown by figures 1 and 2.

Since Duran and Yuyama are both directed toward telecommunication systems, the purpose of using a personal computer as a control means would have been recognized by Duran as set forth by Yuyama.

It would have been obvious to modify circuit 1a by including a personal computer, as a secondary device, along with the other devices (camera, scanner microphone and graphics table) attached to main computer 2a of Duran, as shown by Yuyama for the purpose of controlling images that have been scanned and desired to be transmitted to a reception device 1b as suggested by Yuyama which transmits data from scanner 6 through a transmitter 4 to a recipient device.

9.

Claims 9, 10, 14 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read "J. Grant II", is written over a rectangular stamp. The stamp contains the text "JEROME GRANT II" and "EXAMINER" in a bold, sans-serif font.

J. Grant II